

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WARNER BROS. ENTERTAINMENT INC. and
J.K. ROWLING,

Plaintiffs,

-against-

RDR BOOKS and DOES 1-10,

Defendants.

Case No. 07-CV-9667 (RPP)

DECLARATION OF NEIL BLAIR

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I, Neil Blair, declare and state as follows:

1. I am an attorney and junior partner at Christopher Little Literary Agency, the agent for J.K. Rowling. Except for the facts stated on information and belief, all of the facts set forth herein are known to me personally, and if called as a witness, I could and would testify competently thereto.

2. J.K. Rowling is the author of the world-famous *Harry Potter* series of books (the “*Harry Potter Books*”). The first book in the series, *Harry Potter and the Philosopher’s Stone*, was published in the United Kingdom in June 1997 with a substantially identical version of the book published in the United States in September 1998 under the title *Harry Potter and the Sorcerer’s Stone*.

3. That first book was followed by six more books: *Harry Potter and the Chamber of Secrets* (1999), *Harry Potter and the Prisoner of Azkaban* (1999), *Harry Potter and the Goblet of Fire* (2000), *Harry Potter and the Order of the Phoenix* (2003), *Harry Potter and the Half-Blood Prince* (2005), and, finally, *Harry Potter and the Deathly Hallows* (2007). Each of these books is the subject of a copyright registration in the United States.

4. Thus far, the *Harry Potter* Books have been translated into more than 65 languages and have sold well over 350 million copies worldwide.

5. Ms. Rowling also has authored and published two companion books to the *Harry Potter* Books so far – *Quidditch Through the Ages* and *Fantastic Beasts and Where to Find Them*. Ms. Rowling generously donates royalties from the Companion Books to the charitable organization Comic Relief and has repeatedly stated that she plans to create additional companion books and donate royalties to charitable organizations. The two initial Companion Books Ms. Rowling has authored already have raised £15 million for charity.

6. Ms. Rowling has developed a long-term strategy to preserve the integrity of the *Harry Potter* Books which includes limiting the number of licenses that are granted, the number of products that are made, and where they can be sold.

7. Ms. Rowling has never authorized anyone to do a Harry Potter companion book.

8. I first learned of the Infringing Book when I saw an advertisement on www.PublishersMarketplace.com announcing that RDR Books would be publishing the *Harry Potter Lexicon*, purportedly scheduled, at that time, for release in late October 2007. The ad listed the author as Steve Vander Ark, the editor of a free website located at www.hp-lexicon.com and made clear that the book was intended to be the definitive *Harry Potter* encyclopedia totaling approximately 400 pages long. Attached as Exhibit A is a true and accurate copy of the advertisement from the website www.PublishersMarketplace.com.

9. Based on the description in the PublishersMarketplace.com advertisement and being familiar with the content of the *Lexicon* Website, Ms. Rowling and I became concerned about the nature of the book. As such, I wrote to Mr. Vander Ark and RDR Books via email and

appealed to them as fans of Ms. Rowling's work to forego publication of the *Harry Potter* Lexicon. The only reply I received, after six days, was an email from Mr. Vander Ark advising that he "[had]" been asked to leave all correspondence on this matter to others."

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 1, 2007, at New York, New York.

Respectfully submitted,

By:

Neil Blair

Exhibit A

Publishers Marketplace

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Rights news/offering detail

The Harry Potter Lexicon

Sept. 10, 2007

Author: Steve Vander Ark

Description: British, French, Australian and Canadian rights have already been sold to RDR Books' encyclopedia on the wonderful world of all 7 Harry Potter books. The 400 page Harry Potter Lexicon, due out in late October, is the first and only complete critical reference work on this wonderful series. Thousands of fascinating updated listings compiled by Steve Vander Ark, editor of one of the world's favorite Harry Potter fan sites (over 25 million visitors annually), make this the book that academics, readers of all ages, editors, critics, reviewers, and filmmakers prize.

Rights available: World Rights except Britain, France, Australia and Canada

Rights already sold: British, French, Canadian, Australian

Other information: Author Steve Vander Ark is an international celebrity in the Harry Potter world, keynoting academic conferences, featured on A & E, the BBC and the Today Show and regularly interviewed on all things Potter. His lengthy A & E interview will be included as an extra on the forthcoming DVD of Harry Potter and The Order Of The Phoenix.

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Item number: 4902

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